

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DEREK JOHNSTON

Plaintiff,

Case No. 2:23-cv-01118-MMD-BNW

ORDER

v.

JULIO VIGOREAUX,

Defendant.

Federal Rule of Civil Procedure 4(m) permits a court to dismiss a case without prejudice “[i]f a defendant is not served within 90 days after the complaint is filed.” FED. R. CIV. P. 4(m). The complaint in this action was filed on July 18, 2023. (ECF No. 1.) The Court issued a notice of intent to dismiss pursuant to Rule 4(m) unless proof of service as to Julio Vigoreaux, the sole defendant, was filed by December 1, 2023. (ECF No. 5.) No such proof of service has been filed to date. It is therefore ordered that this action is dismissed without prejudice. It is further ordered that the Clerk of Court close this case.

DATED THIS 5th Day of December 2023.

MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE

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